IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1333 of 2005

Between:

B.Muni Swamy @ Purru, s/o.Madhava Swamy,
R/o.H.No.64/162, S.Nagappa Street, Kurnool.

..... PETITIONER

AND

1 The Superintendent of police, Kurnool, Kurnool District.
2 The Station House officer, Kurnool II Town police station, Kurnool, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in opening the Rowdy sheet bearing No.728 against the petitioner for a single criminal case vide C.C.No.81/ 2001 on the file of the Judicial First class Magistrate, Kurnool which was ended in acquittal by Judgment dt.30-11-2001 as illegal, arbitrary, unconstitutional and violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents to forthwith remove the Rowdy sheet against the petitioner, and to grant such other relief or reliefs as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

A rowdy sheet was opened against the petitioner in the year 2000 on account of his involvement in several criminal activities as well as cases before various Courts. The petitioner contends that as of now only one case is pending against him. He contends that whatever may have been the justification in opening the rowdy sheet in the year 2000, there does not exist any basis to continue the same at present.

The respondents filed a counter-affidavit. The details of cases in which the petitioner figured as accused are furnished. It is stated that no cases, as such, are pending against the petitioner, but there are complaints that he is involved in several criminal activities and in that view of the matter, it is necessary to continue the rowdy sheet, to have a watchful eye on the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

Opening of a rowdy sheet has its own impact on the dignity and liberty of a citizen. It can be done only when there exists substantial basis. In several cases, this Court held that mere pendency of one case does not provide sufficient justification for opening or continuance of rowdy sheet. When undisputedly there does not exist any case against the petitioner, as of now, the continuance of rowdy sheet cannot be sustained.

In that view of the matter, the writ petition is allowed and the respondents are directed to discontinue the rowdy sheet against the petitioner. It is, however, made clear that in case the petitioner resorts to any acts of violence or other

crimes, and any cases are registered against him, it shall be open to the respondents to open a rowdy sheet against him. There shall be no order as to costs.

14.02.2005

ksld

To

1 The Superintendent of police, Kurnool, Kurnool District.
2 The Station House officer, Kurnool II Town police station, Kurnool, Kurnool District.

3 Two C.Cs. to the Government Pleader for Home, High Court of A..P. Hyderabad (OUT).

4 Two C.D. Copies.